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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,754	04/04/2006	Shinko Riku	274159US2SXPCT	6330
22850 7590 10/02/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ABRISHAMKAR, KAVEH				
ART UNIT 2131		PAPER NUMBER		
NOTIFICATION DATE 10/02/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/539,754

Applicant(s)

RIKU ET AL.

Examiner

KAVEH ABRISHAMKAR

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/20/2005, 10/20/2005, and 2/28/2008.

DETAILED ACTION

1. This action is in response to the communication filed on June 20, 2005. Claims 1-17 were originally received for consideration. Per the received preliminary amendment, claims 9, and 13-17 have been cancelled.
2. Claims 1-8, and 10-12 are currently being considered.

Information Disclosure Statement

3. Initialed and signed copies of the Applicant's IDS form 1449, received on 6/20/2005, 10/20/2005, and 2/28/2008, have been attached to this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-5, 8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Peinado (U.S. Patent 7,073,063).

Regarding claim 1, Peinado discloses:

A content management system comprising:

a first acceptance unit which accepts a storage request including a content ID to identify a content (column 6, lines 51-60: *each digital content is provided with a content ID, and the content ID is also associated with a license*);

a storage unit which, based on the storage request, records reference data which is used to make reference to the content and the content ID in a recording unit in association with each other when the content has been already recorded in the recording unit, and records the content and the content ID in the recording unit in association with each other when the content is not yet recorded (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package*);

a second acceptance unit which accepts an acquisition request including the content ID (column 16, lines 34-40: *when a user requests a content (associated with a content ID, the license is searched for)*);

a unit which reads the content from the recording unit based on the acquisition request (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*); and

a unit which distributes the content read based on the acquisition request to an acquisition request issuer (column 21, lines 1-17: *the license is supplied to the user's system so the content can be played*).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Peinado discloses:

The content management system according to claim 1, wherein, when the content is not yet recorded in the recording unit, the storage unit requests a storage request issuer for the content, and records the content accepted from the storage request issuer and the content ID in the recording unit in association with each other

(column 21, lines 1-17: *the license is supplied to the user's system, and the content is stored on the user's device*).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Peinado discloses:

The content management system according to claim 1, wherein the first acceptance unit accepts the storage request and the content (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*).

Regarding claim 4, Peinado discloses:

A content management system comprising:

a unit which accepts a storage request including change content obtained by changing content whose utilization restriction is released by right data and a content ID to identify the content (column 21, lines 1-17: *the license is supplied to the user's system so the content can be played*);

a unit which, based on the storage request, makes reference to a recording unit which records utilization restricting data used to restrict the utilization of the content and the content ID in association with each other to create a storage content obtained by restricting the use of the change content by using the utilization restricting data (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package along with a license restricting the content's use*);

a storage unit which issues a storage content ID to identify the storage content, provides a storage request issuer with the storage content ID, and records in the recording unit the storage content ID and the storage content in association with each other (column 21, lines 1-17: *the license is supplied to the user's system, and the content is stored on the user's device*);

a unit which accepts an acquisition request including the storage content ID (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*);

a unit which reads the storage content from the recording unit based on the acquisition request (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*); and

a unit which distributes the storage content read based on the acquisition request to an acquisition request issuer (column 21, lines 1-17: *the license is supplied to the user's system so the content can be played*).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Peinado discloses:

The content management system according to claim 4, wherein the storage unit issues the storage content ID, provides the storage request issuer with the storage content ID and records the storage content ID and the storage content in the recording unit in association with each other when the storage content and the storage content ID are not yet recorded in the recording unit in association with each other, and records

reference data which is used to make reference to the storage content and the storage content ID in the recording unit in association with each other when the storage content and the storage content ID have been already recorded in the recording unit in association with each other (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package*).

Regarding claim 8, Peinado discloses:

A user system comprising:

a unit which provides a content management system which stores a content with a storage request including a content ID to identify the content (column 6, lines 51-60: *each digital content is provided with a content ID, and the content ID is also associated with a license*);

a unit which accepts a request for the content from the content management system and provides the content management system with the content when the content management system does not yet record the content based on the storage request (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package*);

a unit which provides the content management system with an acquisition request including the content ID column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*); and

a unit which accepts the content from the content management system in accordance with the acquisition request (column 21, lines 1-17: *the license is supplied to the user's system so the content can be played*).

Regarding claim 10, Peinado discloses:

A content distribution system which stores in a content management system a content distributed from a content provision system to a user system,

the content management system comprising:

a first acceptance unit which accepts a storage request including a content ID to identify the content (column 6, lines 51-60: *each digital content is provided with a content ID, and the content ID is also associated with a license*);

a storage unit which, based on the storage request, records reference data which is used to make reference to the content and the content ID in a recording unit in association with each other when the content has been already recorded in the recording unit, and records the content and the content ID in the recording unit in association with each other when the content is not yet recorded in the recording unit (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package*);

a second acceptance unit which accepts an acquisition request including the content ID (column 16, lines 34-40: *when a user requests a content (associated with a content ID, the license is searched for)*);

a unit which reads the content from the recording unit based on the acquisition request (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*); and

a unit which distributes the content read based on the acquisition request to an acquisition request issuer, the user system comprising:

a unit which provides the content management system with the storage request;
a unit which provides the content management system with the acquisition request (column 21, lines 1-17: *the license is supplied to the user's system so the content can be played*); and

a unit which accepts the content from the content management system in accordance with the acquisition request (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*).

Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Peinado discloses:

The content distribution system according to claim 10, wherein the storage unit requests a storage request issuer for the content and records the content accepted from the storage request issuer and the content ID in the recording unit in association with each other when the content is not yet recorded in the recording unit (column 21, lines 1-17: *the license is supplied to the user's system, and the content is stored on the user's device*), and

the user system further comprises a unit which provides the content management system with the content when a request for the content is accepted from the content management system (column 21, lines 1-17: *the license is supplied to the user's system so the content can be played*).

Claim 12 is rejected as applied above in rejecting claim 10. Furthermore, Peinado discloses:

The content distribution system according to claim 10, wherein the first acceptance unit accepts the acquisition request and the content (column 16, lines 34-40: *when a user requests a content (associated with a content ID, the license is searched for)*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Peinado (U.S. Patent 7,073,063) in view of Willner et al. (U.S. Patent Pub. No. US 2002/0199009).

Regarding claim 6, Peinado discloses:

A content management system comprising:

a unit which accepts a storage request including a content ID to identify a content whose utilization restriction is released by right data (column 6, lines 51-60: *each digital content is provided with a content ID, and the content ID is also associated with a license*);

a unit which, based on the storage request, makes reference to a recording unit which records utilization restricting data used to restrict the use of the content, the content ID and the content in association with each other to create a storage content obtained by restricting the use of the content by using the utilization restricting data (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package along with a license restricting the content's use*);

a storage unit which issues a storage content ID to identify the storage content, provides a storage request issuer with the storage content ID, and records the storage content ID and the storage content in the recording unit in association with each other; a unit which accepts an acquisition request including the storage content ID (column 21, lines 1-17: *the license is supplied to the user's system, and the content is stored on the user's device*);

a unit which reads the storage content from the recording unit based on the acquisition request (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*); and

a unit which distributes the storage content read based on the acquisition request to an acquisition request issuer (column 19, lines 4-15: *based on the request with the content ID, the license server supplies the content and the license*).

Peinado does not explicitly disclose the use of positional data of a partial content, and restricting the use of partial content. Willner discloses the use of content segments which are used to transmit a content file (paragraph 0033). Peinado and Willner are analogous arts in that both relate to a system of receiving and rendering content. It would have been obvious to one of ordinary skill in the art to use the method of sending content segments of Willner in system of Peinado in order to allow content to be provided and/or displayed by a device over a period of time (Willner: paragraph 0028).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Peinado discloses:

The content management system according to claim 6, wherein the storage unit issues the storage content ID, provides the storage request issuer with the storage content ID and records the storage content ID and the storage content in the recording unit in association with each other when the storage content and the storage content ID are not yet recorded in the recording unit in association with each other, and records reference data which is used to make reference to the storage content and the storage content ID in the recording unit in association with each other when the storage content and the storage content ID have been already recorded in the recording unit in

association with each other (column 6, lines 57-65: *the authoring tool stores the content ID associated with the package*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/
Examiner, Art Unit 2131

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/K. A./

09/25/2008

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